



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicants: Gary R. DelDuca  
Stephen L. Goulette  
Vinod K. Luthra  
Marcus C. Merriman

Attorney Docket: 47097-01080

Serial No.: 09/915,150

Group Art: 1761

Filed: July 25, 2001

Examiner: Unassigned

Title: Modified Atmosphere Packages  
and Methods for Making the Same

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on September 27, 2001.

9/27/2001

Date

Signature

**SUBMISSION OF ADDITIONAL DRAWINGS UNDER 608.02(h)**

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Applicants inadvertently omitted FIGS. 8, 9a and 9b described in the specification of this application. Accordingly, enclosed are drawings labeled FIGS. 8, 9a and 9b. These drawings do not include new matter and are supported in the patent application, *inter alia*, at page 6, lines 21-24; page 13, line 18 through Page 14, line 29; and claims 38-56 and 76-86 of the application.

Enclosed is a copy of the Notice of Omitted Items In A Nonprovisional Application. The Commissioner is hereby authorized to charge any fees which may be required, or credit any

overpayment, to Deposit Account No. 10-0447 (Order #47097-01080). A duplicate copy of this response is enclosed for that purpose.

Respectfully submitted,

September 27, 2001

Date



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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/915,150	07/25/2001	Gary R. DelDuca	47097-01080

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CONFIRMATION NO. 6442

## FORMALITIES LETTER



\*OC00000006582483\*

Date Mailed: 09/20/2001

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) 8, 9a,9b described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

09/20/2001 09:54:50

*A copy of this notice MUST be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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